

SUNSHINE REFORM TASK FORCE MEETING MINUTES

**Thursday, August 2, 2007
6:00pm – 9:00pm**

City Hall, W118-119

Present: Ken Podgorsek, United Neighborhoods of SCC; Ed Rast, Strong Neighborhoods Initiative PAC; Virginia Holtz, Willow Glen Neighborhood Assoc.; Mary Ann Ruiz, Parks and Recreation Commission; Karl Hoffower, Citizens Commission on Human Rights; Brenda Otey, At Large-Representative; Joan Rivas-Cosby, Five Wounds/Brookwood Terrace Neighborhood Advisory Committee; Bert Robinson, San José Mercury News; Judy Nadler, Markkula Center for Applied Ethics; Bob Brownstein, South Bay Labor Council; Dave Zenker, Falls Creek Neighborhood Association; Edward Davis, Orrick Law Firm (Legal Counsel).

Absent: Dan Pulcrano, Silicon Valley Leadership Group; Nanci Williams, San José/Silicon Valley Chamber of Commerce; Bobbie Fischler, League of Women Voters.

Staff: Lee Price, City Clerk's Office; Lisa Herrick, Senior Deputy City Attorney; Eva Terrazas, Office of the City Manager/Redevelopment Agency; Tom Manheim, Office of the City Manager, Sheila Tucker, Office of the City Manager.

I. Approval of May 17, 2007 Meeting Minutes

Upon a motion by Virginia Holtz, seconded by Ken Podgorsek, the June 7, 2007, minutes were approved as amended to replace Police with Policy on page 7.

II. Comments from the Chair

Chair Rast announced the resignation of Task Force member Margie Matthews. The Former Councilmember representative is a Mayor or Council nominated seat, therefore the City Clerk will draw, at random, a new representative from the original pool of Council nominations.

Staff recognized the new Mayor's Liaison to the Task Force, Antonio Guerra.

III. Review of Meeting Material

Staff provided an overview of the documents for the meeting.

IV. SRTF's Phase I Report and Recommendations

A. Update on 6/27/07 Rules and Open Government Committee Meeting

The Rules & Open Government Committee (Rules Committee) took the following action at their all-day meeting on June 27, 2007:

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1. Approved the Sunshine Reform Task Force Phase I Report & Recommendations for Closed Session and Public Information, as amended by the Rules & Open Government Committee, and directed staff to proceed with implementation on a pilot basis.
2. Deferred action on the Public Meetings Provision of the Sunshine Reform Task Force Phase I Report & Recommendations to allow staff to continue outreach to Advisory Boards, Commissions, and “Non-Governmental Bodies” to solicit feedback.

The Rules Committee also referred two specific issues to the full Council: 1) whether the Council wanted to audio record closed session for the purpose of having the recording available to review for possible violations of the Brown Act, and 2) whether the status of closed session recordings would be governed by the Brown Act or the Public Records Act. The City Council will consider the Rules Committee recommendations on the SRTF’s Phase 1 report at their meeting at their August 7, 2007 meeting, at a time certain of not before 3:00.

B. Update on Internal and External Outreach Meetings

Staff is conducting two outreach meetings in July and August for the purpose of providing the various City boards, commissions and committees and certain private partners with an overview of the SRTF Phase I Report and Recommendations, answer questions, and to solicit written feedback identifying any barriers to implementation of the requirements. One meeting was held on Tuesday, July 31, 2007, from 1:30 pm – 4:00 pm and the second will be held in the Council Chambers on Monday, August 6, 2007, 6:00 pm – 8:30 pm.

V. Phase II Meeting Logistics and Administration

A. Absentee Policy

Upon a motion by Dave Zenker, seconded by Ken Podgorssek, the Task Force agreed to reaffirm the adoption of the City’s guidelines on meeting absences for Boards and Commissions for the new fiscal year. The Committee further agreed that all absences will be considered unexcused unless a Task Force member makes a written request for an unexcused absence to staff and/or the SRTF Chair and the reason for the absence is consistent with the Policy.

Action Item: Staff will send a reminder to the Task Force members that were not in attendance at the meeting.

B. Meeting Schedule

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The regular meeting schedule for the SRTF has been established and distributed to SRTF members. The SRTF will continue to meet the 1st and 3rd Thursday of the month from 6:00 p.m. to 9:00 p.m. through December 2007.

C. Role of the Subcommittees

Chairman Rast emphasized the role of Subcommittees is to, as directed by the SRTF, make recommendations to the SRTF. The recommendations should be complete, noting specific areas for discussion. All Subcommittee recommendations should also come forward with a written motion for the SRTF to consider.

D. Requirements for Noticing, Agenda and Minutes

Upon a motion by Judy Nadler, seconded by Bert Robinson, the SRTF adopted the Task Force Phase 1 recommendations for policy bodies and ancillary bodies beginning at the first meeting in September, 2007.

VI. Role of the Enforcement Subcommittee

A. Comparison of Structure, Implementation, and Enforcement Costs of Other Municipalities

Staff provided an overview of the results of a survey of five Bay area local governments (San Francisco, Milpitas, Oakland, Contra Costa, and Benicia) and their structure, implementation, and enforcement costs related to the implementation of their Sunshine ordinance.

B. Define Expectations for Subcommittees Work

The following provides a summary of SRTF members' remarks:

- Enforcement should not be immediately punitive, but begin with an educational component.
- Education, training, and a forum to teach should be key components.
- Program should include a very simple quick start card; preamble should explain importance.
- Program should be sustainable, and able to thrive.
- Program should be reviewed regularly and modified as needed.
- Program should be operated independently in order to promote public trust/faith.
- An independent body should oversee and enforce ordinance
- The functions should drive the structure. The SRTF should decide what needs to be done first and then decide who should do.
- A group is needed to support implementation and interpretation.
- Checks and balances are needed.

VII. Phase II Work Plan

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A. Subcommittee Composition

The SRTF validated the composition of the Phase II Subcommittees: 1) Public Records, 2) Technology 3) Ethics and Conduct, 4) Administration and Accountability.

B. Schedule

1. All Phase II Subcommittee's should begin meeting immediately.
2. Subcommittees should establish regular standing meetings.
3. Due to the 10-day noticing requirements, subcommittees should generally expect that substantive recommendations will be discussed and considered by the SRTF at every other meeting.
4. The SRTF will begin planning at every meeting the topics for the next two SRTF meeting agendas.

Action Item: Staff will develop a master schedule that identifies the SRTF meetings; standing subcommittee meetings, noticing requirements for agendas, staff reports and minutes, and; upcoming agenda topics.

VIII. Update and Discussion on Work of the Public Records Subcommittee

Task Force member Bert Robinson reported that the Public Records Subcommittee had met 4 times in June and will be presenting its recommendations on the "Process to Disclose Public Records," at the SRTF's August 16, 2007 meeting. Mr. Robinson also noted there would be significant public interest in the subcommittee's recommendations on police records and that the SRTF should allow sufficient time for public input.

IX. Upcoming Agenda and Work Plan

The August 16th agenda will include:

- A. Review and Decisions on Recommendations Regarding the "Process to Disclose Public Records"
- B. Review of Previous Work and Work Currently Underway related to Ethics and Conduct & Define Expectations for Subcommittee's Work
- C. Overview of How Technology Can Enable Sunshine & Define Expectations for Subcommittee's Work

X. Public Comment

No public comments were made on this item.

Upon a motion by Ken Podgorsek, seconded by Judy Nadler, the Task Force adjourned the August 2, 2007 meeting at 8:52 p.m.